

ARTICLE 1: GENERAL PROVISIONS

1.1. GENERAL INTENT

On February 25, 2010, the Austin City Council adopted the East Riverside Corridor (ERC) Master Plan as an amendment to the Austin Tomorrow Comprehensive Plan. The ERC Master Plan presents a long-term vision for the area to redevelop the existing low density, auto-oriented commercial, uses into an urban mixed-use neighborhood that is more pedestrian- and bicycle-friendly. An important element of the plan is to enhance development design quality and create great places where people can live, work, shop, interact and recreate within a walking distance of one another.

This Document addresses the physical relationship between development and adjacent properties, streets, neighborhoods, and the natural environment in order to implement the vision of an urban mixed-use neighborhood that supports current and future transit options. The general purposes of this Document are:

- 1.1.1. To promote the Vision for the East Riverside Corridor Master Plan;
- 1.1.2. To provide appropriate standards to ensure a high quality appearance for development and redevelopment within the ERC Zoning District and promote pedestrian-friendly design while also allowing for individuality, creativity, and artistic expression;
- 1.1.3. To improve the area's access to transit services and create an environment that promotes walking and cycling;
- 1.1.4. To promote transit-supportive development and redevelopment within the ERC Hubs in order to successfully integrate land use and transit by providing greater density than the City of Austin average, a mix of uses, and a quality pedestrian environment around defined centers;
- 1.1.5. To encourage development and redevelopment that relates to and connects with adjoining streets, transit, bikeways, pathways, open spaces, and neighborhoods;
- 1.1.6. To allow for and encourage dense mixed-use and residential uses to accommodate some of the region's expected population growth;
- 1.1.7. To encourage development that serves people of all incomes and ages and provides a safe and welcoming environment for all types of households;
- 1.1.8. To provide standards to ensure quality usable open space for new residential development, employees, and visitors as redevelopment occurs;
- 1.1.9. To promote sustainable stormwater management and watershed protection practices; and
- 1.1.10. To provide a set of clear standards to facilitate development and redevelopment in the ERC Zoning District, in addition to being flexible and responsive to market conditions and fluctuations.

1.2. APPLICABILITY

1.2.1. General Applicability

This Document applies to all development within the ERC Zoning District as shown in Figure 1-1. This Document sets forth the regulations for the East Riverside Corridor Zoning District. The applicability of the regulations varies by section and is dependent on the ERC Subdistrict in which a property is located, whether the property is within an ERC Hub, the roadway type(s) adjacent to it, and the size of the site and type of development activity proposed. General exemptions from the requirements of this Document are listed in Subsection 1.2.3.D., and additional exemptions from specific standards are listed in subsequent sections of this Document.

For a Heritage Tree, the Director may approve modification of any numeric development standard in this Document to the minimum extent required to preserve the Heritage Tree.

1.2.2. Land Use and General Development Standards

- A.** All properties in the ERC Zoning District are subject to the following Articles and Sections of this Document:
 - 1. Article 2, Land Use Standards;
 - 2. Section 3.5, Connectivity and Circulation;
 - 3. Section 4.2, General Development Standards; and
 - 4. Section 4.10, Public Open Space and Trails.

1.2.3. ERC Design Standards

- A.** For purposes of applying the design standards in this Document, ERC Design Standards are:
 - 1. Article 3, Circulation, Connectivity, and Streetscape (except Subsection 3.5.2 Dedication of ERC Collector Streets);
 - 2. Article 4, Site Development Standards (except Section 4.2 General Standards and Section 4.10 Public Open Space and Trails);
 - 3. Article 5, Building Design Standards.
- B.** Full Compliance for New Construction, Redevelopment, and Major Rehabilitation
 - 1. Unless exempted in Subsection C (Partial Compliance), or D (General Exemption) the following activity is subject to full compliance with this Document:
 - a.** New construction on previously undeveloped land; and

- b. New construction or site development where the Director determines that all buildings on the site have been or will be demolished or rendered unusable for their intended purpose.

C. Partial Compliance

For a project that is not subject to Subsection B (Full Compliance) or D (General Exemptions), the Director shall determine which standards of this Document apply to the project or a portion of the project in accordance with the following requirements:

1. All sites must comply with Article 3 (Circulation, Connectivity, and Streetscape);
2. A new building or building addition as defined by the adopted Existing Building Code must comply with:
 - a. Article 4 (Site Development Standards) unless compliance cannot be achieved due to:
 - i. The location of existing buildings or other improvements retained on the site;
 - ii. The size or nature of the proposed building limits placement on the site;
 - iii. Topography, protected trees, or critical environmental features; or
 - iv. The location of pre-existing water quality or detention facilities.
 - v. A waiver from the requirements of Article 4 shall be to the minimum extent required based on the criteria of this subsection.
 - b. Article 5 (Building Design Standards);
3. A remodeled buildings or facade must comply with:
 - a. Section 4.6 (Exterior Lighting); and
 - b. Article 5 (Building Design Standards) where the remodeled building is considered a "Level 3" Alteration or Addition as defined by the adopted Existing Building Code such that the work area exceeds 50% of the aggregate area of the building and one or more exterior façades of the building are modified as a result of the Alteration. If, however, the façade that faces the Principal Street is remodeled, then that façade is subject to Article 5 even if the overall work area is less than 50% of the aggregate area of the building.

D. General Exemptions from the ERC Design Standards

Except as otherwise provided in this Document, the following types of development are exempt from the ERC Design Standards of this Document:

1. Development that does not require a site plan under LDC Sections 25-5-2(B), (C), (E), (F), (G), (H), (I) or (J), except that Section 4.6 (Exterior Lighting) shall apply;
2. Interior remodeling of a building;
3. Development for which public access is prohibited due to health, safety, public security, or welfare reasons.

1.2.4. Exemption from Subchapter E of the Land Development Code

- A. For the areas within the ERC Zoning District which have been zoned ERC (Figure 1-1), this Document supersedes all standards and regulations in Chapter 25-2 Subchapter E: Design Standards and Mixed Use.

1.2.5. Conflicting Provisions

- A. If the provisions of this Document are inconsistent with provisions found in other adopted codes, ordinances, or regulations of the City of Austin, this Document shall control unless otherwise expressly provided.
- B. The following provisions supersede the requirements of this Document to the extent of conflict:
 1. Regulations applicable to a Waterfront Overlay district.

1.2.6. Accessibility

Accessibility, integration and inclusion of people with disabilities are fundamental components of our vision for the future of the City of Austin. This Document shall not supersede any applicable state or federal accessibility statutes and regulations. Administration and enforcement of this Document shall comply with all such statutes and regulations.

1.2.7. State and Federal Facilities

Compliance with the standards of this Document at all state and federal facilities is strongly encouraged so that the Master Plan Vision for the East Riverside Corridor planning area is supported and reinforced.

1.3. REVIEW PROCESS

1.3.1. Standards Applicable During Subdivision Plan Review

The standards contained in the following sections of this Document shall be applied in the normal review process for subdivision plans as set forth in Chapter 25-4 of the Austin Code:

- A. Article 2, Land Use Standards;
- B. Section 3.5, Connectivity and Circulation;

- C. Section 4.2, General Development Standards;
- D. Section 4.9, Private Common Open Space and Pedestrian Amenities; and
- E. Section 4.10, Public Open Space and Trails;

In addition to meeting the review criteria specified in Chapter 25-4 of the LDC, each subdivision plan application shall evidence compliance with the standards listed above.

1.3.2. Standards Applicable During Site Plan Review

The standards contained in the following sections of this Document shall be applied in the normal review process for site plans as set forth in Chapter 25-5 of the LDC:

- A. Article 2, Land Use Standards;
- B. Article 3, Circulation, Connectivity, and Streetscape;
- C. Article 4, Site Development Standards;
- D. Section 5.3, Building Entrances; and
- E. Article 6, Development Bonus.

In addition to meeting the review criteria specified in Chapter 25-5, each site plan application shall evidence compliance with the standards listed above.

1.3.3. Standards Applicable During Building Permit Review

The standards contained in the following sections of this Document shall be applied in the normal review process for building permits as set forth in Chapter 25-11 of the Austin Code:

- A. Section 4.6, Exterior Lighting (for fixtures affixed to buildings);
- B. Section 4.7, Screening of Equipment and Utilities (for fixtures affixed to buildings);
- C. Section 4.8, Sign Regulations; and
- D. Article 5, Building Design Standards.

In addition to meeting the review criteria specified in LDC Chapter 25-11, each building permit application shall evidence compliance with the standards listed above.

1.4. ALTERNATIVE EQUIVALENT COMPLIANCE

1.4.1. Purpose and Scope

To encourage creative and original design, and to accommodate projects where the particular site conditions or the proposed use prevent strict compliance with this Document,

alternative equivalent compliance allows development to occur in a manner that meets the intent of this Document, yet through an alternative design that does not strictly adhere to the Document's standards. The procedure is intended to be used for relief from a specific design standard or standards, and is not a general waiver of regulations.

1.4.2. Applicability

The alternative equivalent compliance procedure shall be available only for the following sections of this Document:

- A.** Section 3.3 - Sidewalk Standards;
- B.** Section 3.4 - On-Street Parking;
- C.** Section 3.5 - Connectivity and Circulation;
- D.** Section 4.2.3 - Other Site Development Standards;
- E.** Section 4.3 - Relationship of Buildings to Streets and Walkways;
- F.** Section 4.4 - Off-Street Vehicular and Bicycle Parking;
- G.** Section 4.6 - Exterior Lighting;
- H.** Section 4.7 - Screening of Equipment and Utilities;
- I.** Section 4.8 - Sign Regulations;
- J.** Section 4.9 - Private Common Open Space and Pedestrian Amenities; and
- K.** Article 5 - Building Design Standards.

1.4.3. Procedure

The applicant may select at his or her discretion whether to seek an informal recommendation or a formal approval on a proposal for alternative compliance.

A. Option One: Informal Recommendation

1. Pre-Application Conference Required

If an applicant desires only an informal response and recommendation as to a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development. At the conference, the applicant shall provide a written summary of the project and the proposed alternative compliance, and the Director shall offer an informal, non-binding response and recommendation regarding the appropriateness of the proposed alternative. Based on that response, the applicant may prepare a site plan and/or building permit application that proposes alternative

compliance, and such application shall include sufficient explanation and justification, in both written and graphic form, for the alternative compliance requested.

2. Decision-Making Responsibility

Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. The final decision-making body for site plans is the either the Director or the appropriate Land Use Commission, as specified in LDC Chapter 25-5, and the building official for building permits.

B. Option Two: Formal Decision

1. Pre-Application Conference

If an applicant desires formal approval of a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development.

2. Alternative Compliance Concept Plan Required

At least ten days prior to the pre-application conference, the applicant shall submit an alternative compliance concept plan application to the Director, which shall include:

- a.** A written description of and justification for the proposed alternative method of compliance, specifically addressing the criteria in Subsection 1.4.4; and
- b.** A concept plan that describes and illustrates, in written and graphic format, the intended locations and quantities of proposed buildings on the site, the layout of proposed vehicle and pedestrian access and circulation systems, and areas designated to meet requirements for open space, parking, on-site amenities, utilities, and landscape. The concept plan shall describe the site's topography and shall provide a general description of environmental characteristics to assist in determining compliance with this Document. If alternative compliance is requested from the standards of Article 5 Building Design Standards, the concept plan also shall include descriptions and illustrations of the proposed building design elements that would not comply with the standards of this Document.

3. Decision by Director

The Director shall review the concept plan for compliance with the criteria in Subsection 1.4.4 and shall approve, approve with conditions, or deny the concept plan in writing.

4. Expiration of Alternative Compliance Concept Plans

- a. An approved alternative compliance concept plan shall expire if three years pass following its approval and no building permit that implements the concept plan has been issued.
- b. One, one-year extension may be issued by the Director provided that a written request has been received prior to the expiration of the concept plan, and the Director has determined that no major changes in the City's development standards, or changes in the development pattern of the surrounding properties, have occurred.

5. Effect of Approval

Written approval of an alternative compliance concept plan does not authorize any development activity, but rather authorizes the applicant to prepare a site plan and/or building permit application that incorporates the approved alternative compliance, and authorizes the decision-making body (either the Land Use Commission or the Director for site plans, and the Building Official for building permits) to review the site plan and/or building permit application for compliance with the alternative compliance concept plan, in addition to all other applicable requirements. The site plan and/or building permit application shall include a copy of the approved alternative compliance concept plan.

6. Amendments to Alternative Compliance Concept Plans

- a. Minor amendments to any approved alternative compliance concept plan may be approved, approved with conditions, or denied administratively by the Director. For purposes of this provision, minor amendments are those that do not result in:
 - i. An increase of 10 percent or more in the amount of square footage of a land use or structure;
 - ii. A change in the types of uses in the project;
 - iii. An increase or decrease of 20 percent or more in the number of dwelling units in the project; or
 - iv. A change that would bring the project out of compliance with any requirement or regulation set forth in the City Code outside this Document unless a variance to or waiver from such requirement or regulation is obtained.
- b. Amendments that are not determined by the Director to be minor amendments under Subsection B.6.a. above shall be deemed major amendments. The ap-

plicant may seek approval of a major amendment by re-submitting the original approved plan along with the proposed amendment to the Director for review in the same manner prescribed in Subsection B.2. above.

- c. If any site plan and/or building permit application includes a major amendment from the terms of the approved concept plan that has not been approved by the Director, the concept plan shall be void and the application shall be reviewed for compliance with the standards of this Document and all other applicable requirements.

1.4.4. Criteria

Alternative equivalent compliance may be approved only if the applicant demonstrates that the following criteria have been met:

- A. The proposed alternative will perform as well or better than the standard or standards being modified and achieves the intent of the subject Article of this Document from which the alternative is sought; or
- B. The proposed alternative achieves the intent of the subject Article of this Document from which the alternative is sought to the maximum extent practicable, and is necessary because:
 - 1. Physical characteristics unique to the subject site (such as, but not limited to, slopes, size, shape, and vegetation) make strict compliance with the subject standard impracticable or unreasonable; or
 - 2. Physical design characteristics unique to the proposed use or type of use make strict compliance with the subject standard impracticable or unreasonable.
- C. In the case of multiple alternative equivalent compliance or variance requests, the Director shall consider the cumulative affect they would have on meeting the intent statements in Sections 1.1, 2.1, 3.1, 4.1, 5.1 or 6.1.

1.4.5. Effect of Approval

Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

1.5. NONCONFORMING USES AND NONCOMPLYING STRUCTURES

All properties within the ERC Zoning District shall remain subject to Article 7 Nonconforming Uses and Article 8 Noncomplying Structures in the City LDC Sections 25-2-941 through 25-2-964. With reference to Article 7, all uses are governed by Group “D” regulations prescribed by Section 25-2-947.

1.6. TEXT AND GRAPHICS WITHIN THIS DOCUMENT

This Document was created with numerous images to enhance understanding and comprehension by providing visual aids to some of the standards. However, in the event of a conflict or inconsistency between the text of this Document and any heading, caption, figure, illustration, table, or map, the text shall control.

1.7. REGULATORY MAPS AND MATERIALS

The materials provided in this section include regulatory maps and ERC Subdistrict development standards summary sheets.

Figures 1-1 through 1-8 contain the ERC regulatory maps. They include:

- East Riverside Corridor Zoning Map
- East Riverside Corridor Subdistrict Map
- East Riverside Corridor Roadway Type Map
- East Riverside Corridor Active Edges Map
- East Riverside Corridor Collector Street Map
- East Riverside Corridor Hub Map
- East Riverside Corridor Height Map
- East Riverside Corridor Development Bonus Height Map

These maps should be used to determine the requirements for a property depending on the property's subdistrict, roadway type, whether it includes an active edge, whether a collector street crosses it, and whether it is in a Hub.

Figures 1-9 through 1-13 contain ERC Subdistrict development standards summary sheets for the five subdistricts in the ERC Zoning District. These summary sheets should be used in tandem with the regulatory maps and the Document text to determine the standards that apply to a property.

Figure 1-1: East Riverside Corridor (ERC) Zoning Map

The map below indicates the properties within the ERC boundary zoned ERC.

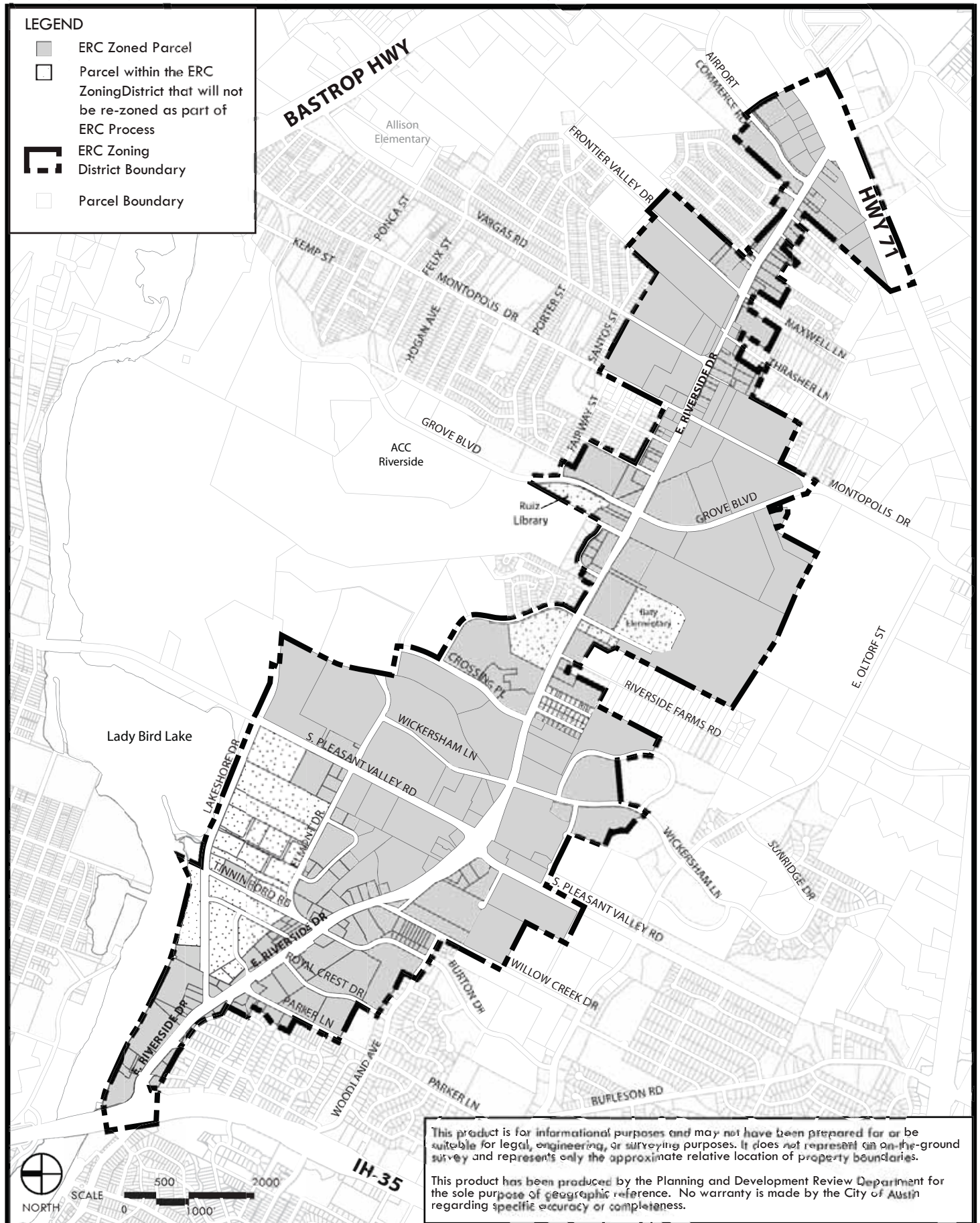


Figure 1-2: East Riverside Corridor Subdistrict Map

Identifies the subdistrict for each property within the ERC boundary.

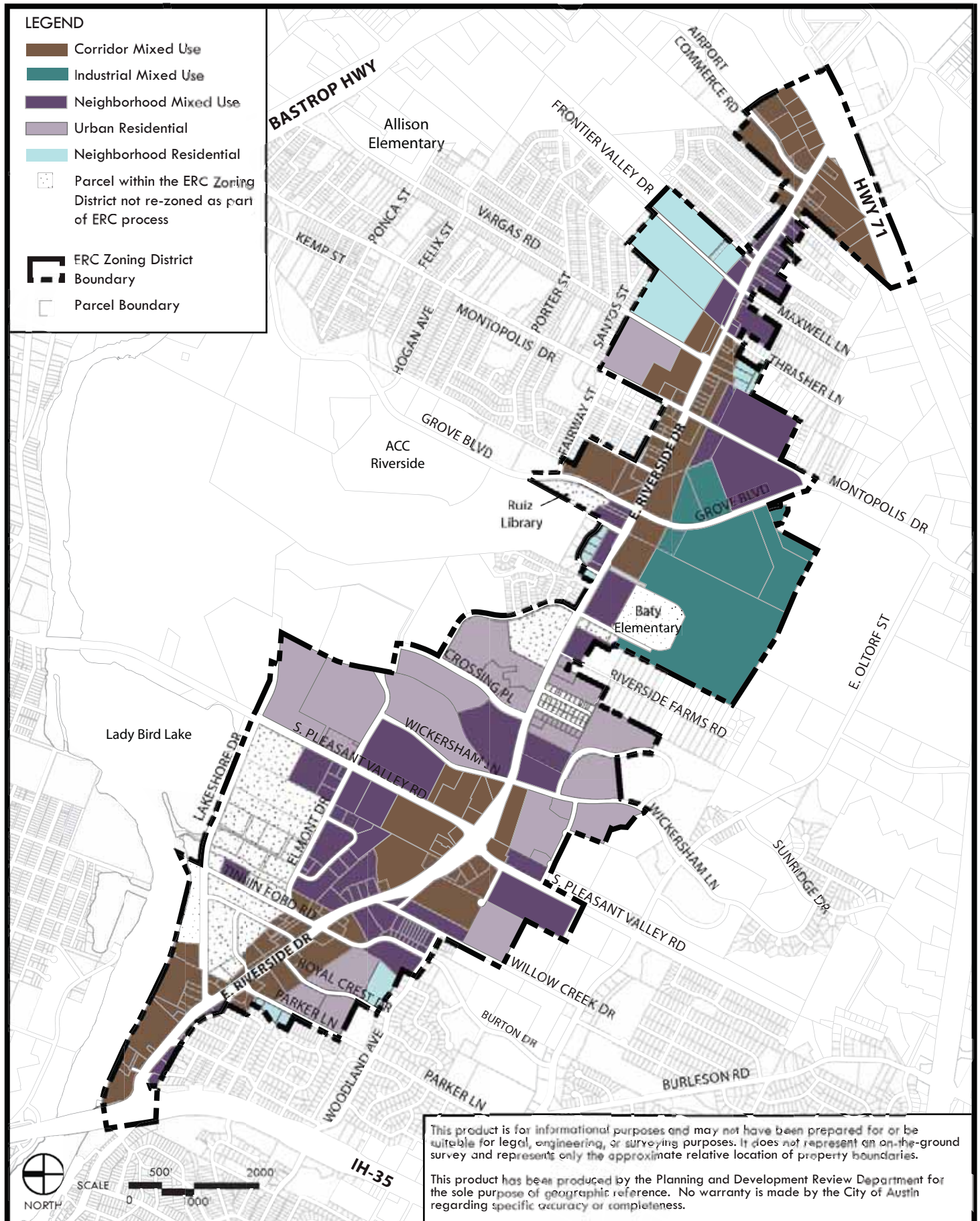


Figure 1-3: East Riverside Corridor Roadway Type Map

Indicates the Roadway type for all existing and proposed streets within the ERC boundary.

